

The Department of Labor and Industries
Semi-annual Rules Development Agenda (January 1 - July 31, 2006)

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
DIVISION: INSURANCE SERVICES (WORKERS' COMPENSATION)						
Chapter 296-14 WAC	Industrial Insurance- Mortality Assumptions	Valerie Grimm Policy & Quality Coordination (360) 902- 5005	6/20/01	To be determined	To be determined	This rulemaking will provide updates to mortality assumptions used to determine pension reserves and actuarial benefit reductions.
Chapter 296-14 WAC	Industrial Insurance- Worker Employment Patterns	Valerie Grimm Policy & Quality Coordination (360) 902- 5005	8/21/02	To be determined	To be determined	This rulemaking will provide clarification on how to determine a worker's employment pattern at the time of injury or on the date of disease manifestation for the purpose of calculating the worker's wage. This rule will impact crime victims' compensation.
Chapter 296-14 WAC	Industrial Insurance- Transitional / Light Duty Job	Valerie Grimm Policy & Quality Coordination (360) 902- 5005	04/2006	To be determined	To be determined	This rulemaking will provide clarification on: <ul style="list-style-type: none"> • The required elements of a valid transitional / light duty job offered from the employer of record. • What is expected of the employer and worker? • How to determine a worker's entitlement to time-loss compensation and loss of earning power benefits when a transitional / light duty job is offered.
Chapter 296-14 WAC	Industrial Insurance- Confidentiality of Worker's Compensation Claim Files	Valerie Grimm Policy & Quality Coordination (360) 902- 5005	11/06/04	12/2005	4/2006	This rulemaking will define the responsibility of employers, workers, and other parties who have access to worker's compensation claim files for confidentiality and release of claim information.

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Chapter 296-14 WAC	Industrial Insurance-Definitions	Valerie Grimm Policy & Quality Coordination (360) 902-5005	05/03/05	To be determined	To be determined	This rulemaking will define terms used in chapter 296-14 WAC and move definitions currently in chapter 296-20 WAC to chapter 296-14 WAC. The rulemaking will amend the definition of temporary partial disability. This rulemaking will impact crime victims' compensation.
Chapter 296-14 WAC	Industrial Insurance-Residence Modification	Valerie Grimm Policy & Quality Coordination (360) 902-5005	05/03/05	11/1/05	2/27/06	This rulemaking will implement the provisions of Chapter 411, 2005 Laws (EHB 2185), by establishing guidelines and processes for providing residence modification benefits to workers who have sustained catastrophic injury.
Chapter 296-19A WAC	Vocational Rehabilitation	Valerie Grimm Policy & Quality Coordination (360) 902-5005	9/20/05	To be determined	To be determined	This rulemaking may include amendments pertaining to forensic services and other issues as appropriate.
Chapter 296-14 WAC	Industrial Insurance-Pension Discount Rates	Valerie Grimm Policy & Quality Coordination (360) 902-5005	01/03/06	To be determined	To be determined	This rulemaking will amend the pension discount rate used to determine pension reserves.
Chapter 296-17 WAC	2006 Worker's Compensation Premium Rates	Tammy Turner Employer Services (360) 902-4777	05/2006	09/2006	11/2006	This rulemaking will adjust classification rates to reflect appropriate risk costs.
Chapter 296-17 WAC	Reciprocal Agreements	Tammy Turner Employer Services (360) 902-4777	01/17/06	To be determined	To be determined	This rulemaking will update reciprocal agreements with Oregon and Idaho and possibly other states.

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Chapter 296-17 WAC	Classification Descriptions	Bill Moomau Employer Services (306) 902-4774	1/17/06	3/22/06	5/23/06	This rulemaking proposes to revise classifications descriptions to reflect industry changes.
Chapter 296-17 WAC	Classification Rules- Farm Labor Contractor	Bill Moomau Employer Services, (360) 902-4774	12/6/05	02/1/06	04/4/06	This rulemaking will amend classification descriptions to reflect industry changes and accommodate farm labor contractor provisions.
Chapter 296-17 WAC	Retrospective Rating Program Rules	Diane Doherty Retrospective Rating (360) 902-4835	11/3/04	04/2006	08/2006	L&I may engage in rule making to clarify existing retro rules such as re-enrollment of businesses grandfathered in a specific group, enrollment requirement of all like businesses, change in due dates, and revision of applications and agreement forms.
Chapter 296-20 WAC	Medical Aid Rules	Jami Lifka Office of the Medical Director (360) 902-4941	N/A	To be determined Expedited Rule CR105	To be determined	This expedited rulemaking will make housekeeping changes, primarily correcting references to WAC numbers.
Chapter 296-20 WAC	Medical Aid Rules	Jami Lifka Office of the Medical Director (360) 902-4941	12/20/05	2/14/06	4/18/06	L&I is reviewing the need for additional rules or rule changes to provide specificity concerning treatments and devices that are or are not covered for injured workers.
Chapter 296-20 WAC	Medical Aid Rules- What general limitations are in place for medications?	Jaymie Mai Office of the Medical Director 360-902-6792	To be determined	To be determined	To be determined	This rulemaking will clarify that all pharmacy bills will receive drug utilization review (DUR) screening for potential drug therapy problems & allow injured workers to seek NCPDP override codes from pharmacy for medically appropriate fill.

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WAC 296-20-135	Conversion Factors	Tom Davis Health Services Analysis 360-902-6687	12/20/05	2/14/06	4/18/06	This rulemaking will update the conversion factors used by the department for calculating reimbursement rates for most professional health care and anesthesia services.
WAC 296-23-220	Physical Therapy Rules	Tom Davis Health Services Analysis 360-902-6687	12/20/05	2/14/06	4/18/06	Update the maximum daily reimbursement level for physical therapy services so the department may, if necessary, give cost-of-living increases to affected providers.
WAC 296-23-230	Occupational Therapy Rules- Maximum Daily Reimbursement	Tom Davis Health Services Analysis 360-902-6687	12/20/05	2/14/06	4/18/06	Update the maximum daily reimbursement level for occupational therapy services so the department may, if necessary, give cost-of-living increases to affected providers.
Chapter 296-23A WAC	Hospital Payment Policy	Dee Hahn Health Services Analysis (360) 902-6828	N/A	01/03/06 Expedited Rule CR105	03/07/06	L&I pays hospital inpatient and outpatient claims by grouping hospitals into "peer groups," which are defined in the Department of Health's (DOH) Washington Administrative Codes. Effective July 1, 2005 DOH will no longer use peer groups. This rulemaking will amend L&I's rules which refer to these peer groups.
Chapter 296-15 WAC	Housekeeping and Clarifying Self-Insured Employers Responsibilities	Margaret Conley Self Insurance (360) 902-6906	7/24/02	11/22/05	2/28/05	This rulemaking will make housekeeping and clarification changes and new sections will be added clarify the responsibilities of self-insured employers.
Chapter 296-15 WAC	Defining "default" and "financial watch" in the Workers' Compensation Self Insurance Rules and Regulations	Margaret Conley Self Insurance (360) 902-6906	11/22/05	1/17/06	3/21/06	In response to a request from the self insured community, this rulemaking will define the term "default" and the steps it will take when a "default" occurs. The definition of "financial watch" and factors which affect it will also be defined.

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Chapter 296-15 WAC	Claim Administrator Certification and Continuing Education Requirements in the Workers' Compensation Self Insurance Rules and Regulations	Margaret Conley Self Insurance (360) 902- 6906	4/2006	Fall 2006	To be determined	In response to a request from the self insured community, this rulemaking will address claim administrator certification and continuing education requirements for self- insured claim administrators.
Chapter 296-15 WAC	Electronic Claim Data in the Workers' Compensation Self Insurance Rules and Regulations	Margaret Conley Self Insurance (360) 902- 6906	9/2006	December 2007	Spring 2008	Pursuant to Chapter 145, 2005 Session of Laws (SHB 1310) the department will implement rules to enable self-insured employers to provide claim data electronically by July 1, 2008.

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DIVISION: WASHINGTON INDUSTRIAL SAFETY & HEALTH (WISHA)						
Chapter 296-24 WAC, General Safety and Health Standards	Abrasive Blasting	Cindy Ireland (360) 902-5522 Kimberly Johnson (360) 902-5008	11/22/05	3/21/06	7/5/06	The abrasive blasting rules are being rewritten and organized for clarity and ease of use.
Chapter 296-24 WAC, General Safety and Health Standards	Cranes	Cindy Ireland (360) 902-5522 Kimberly Johnson (360) 902-5008	7/20/04	3/21/06	6/06	The crane rules are being rewritten and organized for clarity and ease of use. These rules will also be updated to reflect current American National Standards Institute (ANSI) requirements. The project will include bridge style, mobile, tower/portal, personnel lifting, hoists, and derricks.
Chapter 296-24 WAC, General Safety and Health Standards	Elevated Platforms	Jim Hughes (360) 902-4504 Kimberly Johnson (360) 902-5008	8/16/05	2/15/06	4/19/06	The powered platform rules are being rewritten and organized for clarity and ease of use, and split into two separate rules: elevated platforms and powered platforms.
Chapter 296-24 WAC, General Safety and Health Standards	Fire Brigades	Cindy Ireland (360) 902-5522 Kimberly Johnson (360) 902-5008	5/31/05	9/20/05	12/20/05	The fire brigade rules are being rewritten and organized for clarity and ease of use, and split into two separate rules: fire brigades and fire protection.
Chapter 296-24 WAC, General Safety and Health Standards	Fire Protection	Cindy Ireland (360) 902-5522 Kimberly Johnson (360) 902-5008	5/3/05	1/17/06	4/17/06	The fire protection rules are being rewritten and organized for clarity and ease of use

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Chapter 296-24 WAC, General Safety and Health Standards	Fixed Ladders	Cindy Ireland (360) 902-5522 Kimberly Johnson (360) 902-5008	12/6/05	3/21/06	6/06	The fixed ladders rules are being rewritten and organized for clarity and ease of use.
Chapter 296-24 WAC, General Safety and Health Standards	Powered Platforms	Jim Hughes (360) 902-4504 Kimberly Johnson (360) 902-5008	To be determined	To be determined	To be determined	The powered platform rules are being rewritten and organized for clarity and ease of use, and split into two separate rules: powered platforms and elevated platforms.
Chapter 296-24 WAC, General Safety and Health Standards & Chapter 296-155, Safety Standards for Construction	Protecting Employees from Falls	Beverly Clark (360) 902-5516 Kimberly Johnson (360) 902-5008	3/23/04	3/2006	6/2006	The rules for providing protection from falls in both general industry and construction are being combined, rewritten and organized for clarity and ease of use.
Chapter 296-24 WAC, General Safety and Health Standards Chapter 296-155 WAC, Safety Standards for Construction	Rigging	Kimberly Johnson (360) 902-5008	2/17/04	3/2006	6/2006	The rigging rules are being rewritten and organized for clarity and ease of use. Requirements from both general industry and construction are being combined into one rule and updated to the current American National Standards Institute (ANSI).

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Chapter 296-52 WAC, Explosives, and Chapter 296-59 WAC, Safety Standards for Ski Area Facilities and Operations	Avalanche Control	Beverly Clark (360) 902-5516 Kimberly Johnson (360) 902-5008	11/22/05	3/21/06	7/06	The requirements for avalanche control are being removed from the ski facility standards and placed into the Explosives standard.
Chapter 296-62 WAC, General Occupational Health Standards	Anhydrous Ammonia	Beverly Clark (360) 902-5516 Kimberly Johnson (360) 902-5008	2/15/05	1/17/06	3/28/06	The anhydrous ammonia rules are being rewritten and organized for clarity and ease of use
Chapter 296-62 WAC, General Occupational Health Standards	Formaldehyde	Carol Stevenson (360) 902-4568 Kimberly Johnson (360) 902-4778	4/19/05	11/22/05	4/4/06	The formaldehyde rules are being rewritten and organized for clarity and ease of use.
Chapter 296-62 WAC, General Occupational Health Standards	Hazardous Chemicals in Labs	Kimberly Johnson (360) 902-5008	5/24/05	10/18/05	12/20/05	The carcinogens and lab rules are being rewritten and organized for clarity and ease of use.
Chapter 296-62 WAC, General Occupational Health Standards	Heat Stress	Jamie Scibelli (360) 902-4568 Kimberly Johnson (360) 902-5008	11/29/05	5/3/06	5/3/06	The heat stress rule is a new rule to address working under certain temperature and humidity conditions that could cause heat related illness or death. This rule will be called the Physical Health Hazards rule and will include the current requirements in chapter 296-62 WAC for working in a cold environment indoors

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Chapter 296-62 WAC, General Occupational Health Standards & chapter 296-155 WAC Safety Standards for Construction	Lead	Jamie Scibelli (360) 902-4568 Kimberly Johnson (360) 902-5008	12/21/04	1/17/06	7/06	The lead rules from general industry and construction are being combined, rewritten and organized for clarity and ease of use.
Chapter 296-350 WAC, WISHA Administrative Rules Chapter 296-800 WAC, Safety and Health Core Rules	Administrative Rules	Jim Hughes (360) 902-4504 Kimberly Johnson (360) 902-5008	5/3/05	11/22/05	2/07/06	The administrative rules are being updated in order to make the rules at least as effective as the Federal rule.
Chapter 296-800 WAC, Safety and Health Core Rules	Exit Routes	Kimberly Johnson (360) 902-5008	11/4/03	To be determined	To be determined	The exit route rules are being updated in order to make the rules at least as effective as the Federal rule.

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DIVISION: SPECIALTY COMPLIANCE SERVICES						
Chapter 296-46B WAC	Electrical	Sally Elliott (360) 902-6411	6/21/05	12/6 /05	2/7/06	The department plans to review the electrical rule for additions or revisions. The department developed an advisory committee to review suggested changes from the electrical industry and will propose rules as a result.
Chapter 296-96 WAC	Elevators	Sally Elliott (360) 902-6411	11/23/04	To be determined	To be determined	As a result of the new licensing requirements for elevator contractor and elevator mechanics, the department is working with stakeholders to identify areas where the rule needs substantive, housekeeping, and clarifying changes.
Chapter 296-104 WAC	Board of Boiler Rules	Sally Elliott (360) 902-6411	12/7/05	4/4/06	5/30/06	The purpose of this rulemaking is to review the fees for possible changes.
Chapter 296-104 WAC	Board of Boiler Rules	Sally Elliott (360) 902-6411	2/14/06	To be determined	To be determined	The purpose of this rulemaking is to clarify the rule and to make technical changes.
Chapter 296-125 WAC	Nonagricultural employment of minors	Sally Elliott (360) 902-6411	9/19/01	To be determined	To be determined	The purpose of this rulemaking is to review these rules for possible changes to ensure conformity with federal laws pertaining to employment of minors where those laws are more restrictive. We will also integrate administrative policies into the rule.

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Chapter 296-126 WAC	Standards of labor for the protection of the safety, health and welfare of employees for all occupations subject to chapter 49.12 RCW	Sally Elliott (360) 902-6411	9/20/05	To be determined	To be determined	The purpose of this rulemaking is to integrate administrative policies into the rule.
Chapter 296-127 WAC	Prevailing wage	Sally Elliott (360) 902-6411	7/19/00	To be determined	To be determined	The purpose of this rulemaking is to make substantive changes to the scope of work description rules that were adopted July 19, 2000 (WSR 00-15-077) with the assistance of an advisory committee.
Chapter 296-128 WAC	Minimum wages	Sally Elliott (360) 902-6411	9/20/05	To be determined	To be determined	The purpose of this rulemaking is to integrate administrative policies into the rule.
Chapter 296-130 WAC	Family care	Sally Elliott (360) 902-6411	6/21/05	12/6/05	1/31/06	As a result of Section 2, Chapter 243, Laws of 2005 (SSB 5850), which passed the 2005 Legislature; the department is updating the definition of sick leave to be consistent with the statute.
Chapter 296-131 WAC	Agricultural employment standards	Sally Elliott (360) 902-6411	9/20/05	To be determined	To be determined	The purpose of this rulemaking is to integrate administrative policies into the rule.
Chapters 296-46B, 96, 150C, 150F, 150M, 150P, 150R, 150T, 150V, 200A, and 400A WAC	Annual fee increase for Specialty Compliance Services programs	Sally Elliott (360) 902-6411	12/6/05	2/14/06	5/2/05	The purpose of this rulemaking is to review the fees for possible changes.

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DIVISION: ADMINISTRATIVE SERVICES						
Chapter 296-08 WAC Chapter 296-14 WAC	Practice and Procedure Industrial Insurance	Joseph Molenda (360) 902-4714	N/A	Expedited Rule CR-105	1/24/06	This rulemaking will repeal chapter 296-08, Practice and Procedure. However, WAC 296-08-025, Attorney's Fees will be incorporated into existing chapter 296-14 WAC, Industrial Insurance.